

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DAVID SCURA, AND CLIFFORD DAY,
Individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

BRAD K. HEPPNER, JON R. SABES,
STEVEN F. SABES, PETER T.
CANGANY, RICHARD W. FISHER,
THOMAS O. HICKS, DENNIS P.
LOCKHART, BRUCE W. SCHNITZER,
THE BENEFICIENT COMPANY GROUP
L.P., FOXO TECHNOLOGIES INC., and
EMERSON EQUITY LLC,

Defendants.

Case No. 3:23-cv-00680-D

NOTICE OF VOLUNTARY DISMISSAL

Plaintiffs, David Scura and Clifford Day, hereby give notice that Plaintiffs voluntarily dismiss this action without prejudice against all Defendants, Brad K. Heppner, Jon R. Sabes, Steven F. Sabes, Peter T. Cangany, Richard W. Fisher, Thomas O. Hicks, Dennis P. Lockhart, Bruce W. Schnitzer, The Beneficient Company Group, LP, Foxo Technologies Inc., and Emmerson Equity LLC, pursuant to Fed. R. Civ. P. 41(a)(1) and request the court to docket the dismissal on its records without further notice or appearance of counsel. No answer or motion for summary judgment has been filed by any Defendant.

Dated: June 8, 2023

By: /s/ William B. Federman
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this day, June 8, 2023, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ William B. Federman

William B. Federman